

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH L. AGOSTINI, Individually and :  
as Co-Executor of the Estate of :  
JORDYN AGOSTINI, Deceased :  
318 Netherington Drive :  
Broomall, Pennsylvania 19008 :

and :

SUELLEN AGOSTINI, Individually and :  
as Co-Executor of the Estate of :  
JORDYN AGOSTINI, Deceased, :  
318 Netherington Drive :  
Broomall, Pennsylvania 19008 :

and :

DOUGLAS J. HENEGAR, Individually :  
and as Natural Father of :  
KYLE HENEGAR, Deceased, :  
1 Tanyard Drive :  
Bella Vista, Arkansas 72715 :

and :

SHARON K. HENEGAR, Individually :  
and as Administratrix of the Estate of :  
KYLE HENEGAR, Deceased :  
1 Tanyard Drive :  
Bella Vista, Arkansas 72715 :

and :

DOUGLAS J. HENEGAR, Individually :  
and as Natural Father of :  
KRISTOPHER HENEGAR, Deceased, :  
1 Tanyard Drive :  
Bella Vista, Arkansas 72715 :

and :

SHARON K. HENEGAR, Individually :  
and as Administratrix of the Estate of :  
KRISTOPHER HENEGAR, Deceased, :

CIVIL ACTION NO.

1 Tanyard Drive :  
Bella Vista, Arkansas 72715 :

Plaintiffs, :

v. :

PIPER AIRCRAFT CORPORATION :  
2926 Piper Drive :  
Vero Beach, Florida 32960 :

and :

AVSTAR FUEL SYSTEMS :  
1365 Park Lane South :  
Jupiter, Florida 33458 :

and :

LYCOMING a/k/a LYCOMING :  
ENGINES a/k/a TEXTRON LYCOMING :  
RECIPROCATING ENGINE DIVISION :  
652 Oliver Street :  
Williamsport, Pennsylvania 17701 :

and :

AVCO CORPORATION :  
652 Oliver Street :  
Williamsport, Pennsylvania 17701 :

and :

TEXTRON, INC. :  
40 Westminster Street :  
Providence, Rhode Island 02903 :

and :

DUKES AEROSPACE, INC. :  
9060 Winnetka Avenue :  
Northridge, California 91324, and :  
c/o CT Corporation System :  
1209 Orange Street :  
Wilmington, DE 19801 :

and  
FLORIDA INSTITUTE OF  
TECHNOLOGY  
150 West University Boulevard  
Melbourne, Florida 32901-6975

and  
F.I.T. AVIATION, LLC  
801 Harry Goode Way  
Melbourne, Florida 32901-1885

Defendants. :

**NOTICE OF REMOVAL**

**TO: CLERK OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

United States District Court  
2609 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Defendant, Textron Inc. files this Notice of Removal of the above-captioned action from the Court of Common Pleas of Philadelphia County, Pennsylvania, in which this action is now pending, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof, aver as follows:

1. This is a wrongful death and survival action arising from an aircraft accident on November 11, 2010, that occurred near West Palm Beach, Florida, resulting in the deaths of plaintiffs' decedents, Jordyn Agostini, Kyle Henegar, and Kristopher Henegar.

2. This action was commenced on November 10, 2011 by the filing of a civil action complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania, which was

docketed in the November Term, 2011, No. 0726 (hereinafter the “state court action”). A copy of the civil action complaint in the state court action is attached hereto as Exhibit “A”.

3. Defendant Textron Inc. is a Delaware corporation with its principal place of business in Providence, Rhode Island.

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), as to the best of defendant Textron Inc.’s knowledge, none of the defendants have been served in the state court action.

5. A copy of this Notice of Removal is being filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania, and is being served upon plaintiffs and all parties of record pursuant to 28 U.S.C. § 1446(d).

6. The Eastern District of Pennsylvania is the proper district for removal pursuant to 28 U.S.C. §§ 118(a) and (e)(1) in that this district encompasses the County of Philadelphia, and “is the district and division embracing the place where such action is pending.

7. Subject matter jurisdiction is proper pursuant to 28 U.S.C. § 1332(a)(2) in that it is an action between citizens of different states.

8. The complaint alleges that the plaintiffs’ are residents of the Commonwealth of Pennsylvania and the State of Arkansas. None of the defendants is a citizen of the Commonwealth of Pennsylvania. The Complaint, however, incorrectly alleges that the principal place of business of defendant AVCO Corporation and of defendant Lycoming, are in Williamsport, Pennsylvania. AVCO Corporation is a Delaware corporation with its principal place of business in Massachusetts. Lycoming Engines is a unincorporated operating division of AVCO Corporation and therefore shares the corporate citizenship of its parent AVCO Corporation. *3CG LLC v. Textron Inc.*, No. 4:11-cv-00880, 2011 U.S. Dist. LEXIS 91792, at \*5 (M.D. Pa. Aug. 11, 2011) (Kane, C.J. ) (Lycoming Engines shares the citizenship of its parent, a

citizen of Delaware and Massachusetts, for purposes of diversity and jurisdiction) (citations omitted).

9. Based on the wrongful death and survival action claims alleged in the state court action complaint, the amount in controversy is in excess of the \$75,000 jurisdictional requirement under 28 U.S.C. § 1332(a).

10. Accordingly, this court has subject matter jurisdiction founded on 28 U.S.C. § 1332(a)(2) as this action involved citizens of different states and an amount in controversy exceeding the sum of \$75,000, exclusive of interest and costs.

11. Judicial economy, fairness, and convenience to the parties are served by removing the state court action to federal court.

12. All pleadings, process, orders and other filings in the state court action are attached to this Notice of Removal as Exhibit "A."

WHEREFORE, notice is given that the state court action is removed from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

Dated: November 16, 2011

Respectfully submitted,

COZEN O'CONNOR

BY \_\_\_\_\_  
James E. Robinson  
1900 Market Street  
Philadelphia, PA 19103  
(215) 665-2073

Attorneys for Defendant,  
Textron Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 16, 2011, a true and correct copy of the foregoing **Notice of Removal** has been served, by first class mail, postage prepaid, upon the following:

Arthur Alan Wolk, Esquire  
Bradley J. Stoll, Esquire  
Michael S. Miska, Esquire  
The Wolk Law Firm  
1710-12 Locust Street  
Philadelphia, PA 19103

COZEN O'CONNOR

BY: \_\_\_\_\_  
James E. Robinson

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